

1
UNITED STATES DISTRICT COURT
2
DISTRICT OF MASSACHUSETTS
34 UNITED STATES OF AMERICA)
5)
6 vs.) CR No. 19-10117-IT
7)
8 FELICITY HUFFMAN and)
9 DEVIN SLOANE)
10
11 BEFORE: THE HONORABLE INDIRA TALWANI
12
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14 PLEAS
15
16 John Joseph Moakley United States Courthouse
17 Courtroom No. 9
18 One Courthouse Way
19 Boston, MA 02210
Monday, May 13, 2019
2:28 p.m.
20
21 Cheryl Dahlstrom, RMR, CRR
22 Official Court Reporter
23 John Joseph Moakley United States Courthouse
One Courthouse Way, Room 3510
24 Boston, MA 02210
Mechanical Steno - Transcript by Computer
25

1 APPEARANCES:

2 ON BEHALF OF THE GOVERNMENT:

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5 Justin D. O'Connell, AUSA
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1 P R O C E E D I N G S

2 THE CLERK: This is Case No. 19-cr-10117, United
3 States v. Felicity Huffman and Devin Sloane. Will counsel
4 please identify themselves for the record.

5 MR. ROSEN: Good afternoon, your Honor. Eric Rosen,
6 Justin O'Connell, and Leslie Wright for the government.

7 THE COURT: Good afternoon.

8 MR. MURPHY: Good afternoon, your Honor. Martin
9 Murphy for Ms. Huffman.

02:30 10 MS. AMRHEIN: Good afternoon, Julia Amrhein, also for
11 Ms. Huffman.

12 MR. HOCHMAN: Good afternoon, your Honor. Nathan
13 Hochman, on behalf of Devin Sloane, who's present on bond.

14 MR. PAPPALARDO: John Pappalardo on behalf of Mr.
15 Sloane.

16 THE COURT: Good afternoon.

17 MR. PAPPALARDO: Good afternoon, your Honor.

18 THE COURT: So we are here for two pleas. I have to
19 tell you, I don't normally combine a plea colloquy. We have a
02:30 20 large number of defendants in this case, and so I have set up
21 the plea colloquies in groups of two or three. The way I
22 intend to proceed is to go through the part that is perhaps
23 more formalistic and make sure that both of you understand all
24 of your rights. And I will, for that part, ask my questions
25 and ask the defendants in turn to make sure that they

1 understand the rights. And then I will proceed with one
2 defendant and then the other for the particular specifics of
3 the case. And of the different defendants in this case, I
4 don't have actually any particular paring of the two of you.
5 It's by happenstance and schedule. So that's how we are
6 proceeding here.

7 Let me start with the clerk administering the oath,
8 please, to the defendants.

9 (Defendants sworn.)

02:32 10 THE CLERK: Please state your name for the record,
11 spelling your last name, Ms. Huffman.

12 MS. HUFFMAN: Felicity Huffman, H-u-f-f-m-a-n.

13 THE CLERK: Mr. Sloane.

14 MR. SLOANE: Devin Sloane, S-l-o-a-n-e.

15 THE CLERK: Thank you.

16 THE COURT: So I'm going to proceed with this
17 colloquy, and I'll ask you each to answer the questions in
18 turn, and it probably will proceed smoother here going front to
19 back just so the court reporter can get both of you down.

02:32 20 First of all, is there any reason that you may not be
21 able to understand the nature and consequences of these
22 proceedings today?

23 MS. HUFFMAN: No, your Honor.

24 THE COURT: You may consult with your counsel at any
25 time during these proceedings.

1 MS. HUFFMAN: Yes, your Honor.

2 THE COURT: Mr. Sloane, same question. Is there any
3 reason, as you stand here, that you may not be able to
4 understand the nature and consequences of these proceedings?

5 MR. SLOANE: No, your Honor.

6 THE COURT: And you may consult with your counsel at
7 any time during these proceedings.

8 Have each of you received a copy of the Information,
9 the written charges against you in this case?

02:33 10 MS. HUFFMAN: Yes, your Honor.

11 MR. SLOANE: Yes, your Honor.

12 THE COURT: And Count 1 charges each of you with
13 conspiracy to commit mail fraud and honest services mail fraud,
14 in violation of 18 U.S.C. Section 1349.

15 Ms. Huffman, do you understand the charges?

16 MS. HUFFMAN: Yes, your Honor.

17 THE COURT: Do you understand that you're represented
18 by counsel?

19 MS. HUFFMAN: Yes, your Honor.

02:33 20 THE COURT: Have you fully discussed the charges
21 against you and the facts and circumstances of this case with
22 counsel?

23 MS. HUFFMAN: Yes, your Honor.

24 THE COURT: Are you fully satisfied with counsel,
25 representation, and advice given to you in this case by your

1 attorneys?

2 MS. HUFFMAN: Yes, your Honor.

3 THE COURT: Mr. Sloane, do you understand the charges?

4 MR. SLOANE: Yes, your Honor.

5 THE COURT: Do you understand that you are represented
6 by counsel?

7 MR. SLOANE: Yes, your Honor.

8 THE COURT: Have you fully discussed the charges
9 against you and the facts and circumstances of this case with
02:34 10 counsel?

11 MR. SLOANE: Yes, I have, your Honor.

12 THE COURT: Are you fully satisfied with counsel,
13 representation, and advice given to you in this case by your
14 attorneys?

15 MR. SLOANE: Yes, very satisfied.

16 THE COURT: And to counsel, starting first with Ms.
17 Huffman's counsel, have you communicated all formal offers from
18 the prosecution to accept a plea on terms and conditions that
19 may be favorable to the accused?

02:34 20 MR. MURPHY: I have, your Honor.

21 THE COURT: And to Mr. Sloane's counsel, have you
22 communicated all formal offers from the prosecution to accept a
23 plea on terms and conditions that may be favorable to the
24 accused?

25 MR. HOCHMAN: We have, your Honor.

1 THE COURT: So both of you are here, I've been
2 informed, are prepared to waive Indictment. I have to advise
3 you of your rights. So I'm going to go through a list of
4 rights here that you would be waiving if you want to proceed
5 here just on the Information. So I'll go through the list of
6 rights, make sure you understand them.

7 You do have a constitutional right to be charged by an
8 Indictment of a grand jury, but you can waive that right and
9 consent to being charged by information of the United States
02:35 10 Attorney. Instead of an Indictment, in this case these felony
11 charges against you have been brought by the U.S. Attorney by
12 the filing of an Information. Unless you waive Indictment, you
13 may not be charged with a felony unless a grand jury finds that
14 there is probable cause to believe that a crime has been
15 committed and that you committed it.

16 If you do not waive Indictment, the government may
17 present the case to the grand jury and ask it to indict you. A
18 grand jury is composed of at least 16 and not more than 23
19 persons, and at least 12 grand jurors must believe -- must find
02:36 20 that there is probable cause to believe you committed the crime
21 with which you're charged before you may be indicted. The
22 grand jury may or may not indict you. If you waive Indictment
23 by grand jury, the case will proceed against you on the U.S.
24 Attorney's Information just as though you've been indicted.

25 So, Ms. Huffman, do you understand your right to

1 Indictment by a grand jury?

2 MS. HUFFMAN: Yes, I do, your Honor.

3 THE COURT: Have you discussed waiving your right to
4 Indictment by a grand jury with your attorney?

5 MS. HUFFMAN: Yes, your Honor.

6 THE COURT: Have any threats or promises been made to
7 induce you to waive Indictment?

8 MS. HUFFMAN: No, your Honor.

9 THE COURT: Do you wish to waive your right to
02:36 10 Indictment by a grand jury?

11 MS. HUFFMAN: Yes, your Honor.

12 THE COURT: And to counsel, is there any reason that
13 Ms. Huffman should not waive Indictment?

14 MR. MURPHY: No, your Honor.

15 THE COURT: And same questions to Mr. Sloane. Do you
16 understand your right to Indictment by a grand jury?

17 MR. SLOANE: Yes, I do, your Honor.

18 THE COURT: Have you discussed waiving your right to
19 Indictment by a grand jury with your attorney?

02:37 20 MR. SLOANE: Yes, I have, your Honor.

21 THE COURT: Have any threats or promises been made to
22 induce you to waive Indictment?

23 MR. SLOANE: No, your Honor.

24 THE COURT: Do you wish to waive your right to
25 Indictment by a grand jury?

1 MR. SLOANE: Yes, I do, your Honor.

2 THE COURT: And to your counsel, is there any reason
3 Mr. Sloane should not waive Indictment?

4 MR. HOCHMAN: No, your Honor.

5 THE COURT: So do I have the signed waivers?

6 MR. MURPHY: We provided them to the clerk, your
7 Honor.

8 THE COURT: For each of you, that's your signature on
9 the waivers that I have?

02:37 10 MS. HUFFMAN: Yes, your Honor.

11 MR. SLOANE: Yes, your Honor.

12 THE COURT: I find that Mr. Sloane and Ms. Huffman
13 have knowingly and voluntarily waived their right to
14 Indictment, and each waiver of Indictment is accepted by the
15 Court.

16 Question now for each of you on pretrial rights. Do
17 you understand that there may be legal challenges to the
18 charges brought against you such as challenges to venue in the
19 District of Massachusetts or a motion to suppress evidence or a
02:38 20 challenge that there is a legal defect in the Information, and
21 you will have waived all such challenges if I accept your plea
22 of guilty?

23 MS. HUFFMAN: Yes, your Honor.

24 MR. SLOANE: Yes, your Honor.

25 THE COURT: And now I'm going to go through the trial

1 rights that each of you will be waiving if I accept a plea of
2 guilty here. I think I'll ask each question and get an answer
3 from each of you.

4 Do you understand that you have the right to plead not
5 guilty to the offense charged against you and to go to trial?

6 MS. HUFFMAN: Yes, your Honor.

7 MR. SLOANE: Yes, your Honor.

8 THE COURT: Do you understand you have the right to a
9 trial by jury?

02:39 10 MS. HUFFMAN: Yes, your Honor.

11 MR. SLOANE: Yes, your Honor.

12 THE COURT: Do you understand that a jury is composed
13 of 12 jurors who must find beyond a reasonable doubt that you
14 committed the crime with which you're charged before you may be
15 found guilty?

16 MS. HUFFMAN: Yes, your Honor.

17 MR. SLOANE: Yes, your Honor.

18 THE COURT: Do you understand that at trial you would
19 be presumed to be innocent, and the government would have to
02:39 20 prove your guilt beyond a reasonable doubt?

21 MS. HUFFMAN: Yes, your Honor.

22 MR. SLOANE: Yes, your Honor.

23 THE COURT: Do you understand that at the trial you
24 would have the right to the assistance of counsel for your
25 defense?

1 MS. HUFFMAN: Yes, your Honor.

2 MR. SLOANE: Yes, your Honor.

3 THE COURT: Do you understand you would have the right
4 to see and hear all the witnesses against you and have them
5 cross-examined in your defense?

6 MS. HUFFMAN: Yes, your Honor.

7 MR. SLOANE: Yes, your Honor.

8 THE COURT: Do you understand that you would have the
9 right, if you chose to exercise it, to testify and to put on
02:40 10 evidence in your defense?

11 MS. HUFFMAN: Yes, your Honor.

12 MR. SLOANE: Yes, your Honor.

13 THE COURT: Do you understand that you would have the
14 right to require witnesses to come to court to testify in your
15 defense?

16 MS. HUFFMAN: Yes, your Honor.

17 MR. SLOANE: Yes, your Honor.

18 THE COURT: Do you understand that you would have the
19 right to refuse to testify and refuse to put on evidence unless
02:40 20 you voluntarily elected to do so?

21 MS. HUFFMAN: Yes, your Honor.

22 MR. SLOANE: Yes, your Honor.

23 THE COURT: Do you understand that if you decided not
24 to testify or not to put on any evidence, those facts could not
25 be used against you?

1 MS. HUFFMAN: Yes, your Honor.

2 MR. SLOANE: Yes, your Honor.

3 THE COURT: Do you further understand that by entering
4 a plea of guilty here today, if I accept your plea, there will
5 be no trial, and you will have waived, or given up, your right
6 to a trial as well as the rights that come with a trial that I
7 have just described?

8 MS. HUFFMAN: Yes, your Honor.

9 MR. SLOANE: Yes, I do, your Honor.

02:41 10 THE COURT: So I'll have a series of questions about
11 the plea agreement, and I'll ask each of you in turn.

12 Ms. Huffman, you've entered into a plea agreement with
13 the U.S. Attorney's Office, is that correct?

14 MS. HUFFMAN: Yes, your Honor.

15 THE COURT: Did you sign the agreement?

16 MS. HUFFMAN: Yes, your Honor.

17 THE COURT: Do I have a copy of a signed version?

18 Yes, I do, from March 27th. Is that correct? No, April 4th
19 you signed the agreement, is that correct?

02:42 20 MS. HUFFMAN: Yes, your Honor.

21 THE COURT: And did you have an opportunity to read
22 the agreement and discuss it with your lawyer before you signed
23 it?

24 MS. HUFFMAN: Yes, your Honor.

25 THE COURT: Does the plea agreement contain all of the

1 terms to which you have agreed?

2 MS. HUFFMAN: Yes, your Honor.

3 THE COURT: Do you understand the terms of the plea
4 agreement?

5 MS. HUFFMAN: Yes, your Honor.

6 THE COURT: Do you understand that this is the only
7 agreement you have with the United States Government?

8 MS. HUFFMAN: Yes, your Honor.

9 THE COURT: Has anyone made any promises or assurances
02:42 10 to you that are not in the plea agreement?

11 MS. HUFFMAN: No, your Honor.

12 THE COURT: Has anyone made any threats or pressured
13 you in any way to persuade you to accept this agreement?

14 MS. HUFFMAN: No, your Honor.

15 THE COURT: And are you pleading guilty of your own
16 free will?

17 MS. HUFFMAN: Yes, your Honor.

18 THE COURT: I think I'll turn back to Mr. Sloane, the
19 same series of questions.

02:43 20 And you also have entered into a plea agreement with
21 the U.S. Attorney's Office that you signed on April 5th, is
22 that correct?

23 MR. SLOANE: That's correct, your Honor.

24 THE COURT: And did you have an opportunity to read
25 the agreement and discuss it with your lawyers before you

1 signed it?

2 MR. SLOANE: Yes, I did, your Honor.

3 THE COURT: Does the plea agreement contain all the
4 terms to which you have agreed?

5 MR. SLOANE: Yes, it does, your Honor.

6 THE COURT: Do you understand the terms of the plea
7 agreement?

8 MR. SLOANE: Yes, I do, your Honor.

9 THE COURT: Do you understand that this agreement is
02:43 10 the only agreement that you have with the United States
11 Government?

12 MR. SLOANE: Yes, I do, your Honor.

13 THE COURT: Has anyone made any promises or assurances
14 to you that are not in the plea agreement?

15 MR. SLOANE: No, they haven't, your Honor.

16 THE COURT: Have anyone threatened or pressured you in
17 any way to persuade you to accept this agreement?

18 MR. SLOANE: No, your Honor.

19 THE COURT: Are you pleading guilty of your own free
02:44 20 will?

21 MR. SLOANE: Yes, I am, your Honor.

22 THE COURT: Okay. Back to you, Ms. Huffman. Do you
23 understand the offense to which you are pleading guilty is a
24 felony?

25 MS. HUFFMAN: Yes, your Honor.

1 THE COURT: Do you understand that if I accept your
2 plea you will be judged guilty of that offense?

3 MS. HUFFMAN: Yes, your Honor.

4 THE COURT: Do you understand that by being judged
5 guilty you may lose valuable civil rights, including the right
6 to vote in many states, the right to hold public office, the
7 right to serve on a jury, and the right to possess a gun or any
8 kind of firearm or ammunition?

9 MS. HUFFMAN: Yes, your Honor.

02:44 10 THE COURT: You're a United States citizen, is that
11 correct?

12 MS. HUFFMAN: Yes, your Honor.

13 THE COURT: Okay. Mr. Sloane, do you understand that
14 the offense to which you're pleading guilty is a felony?

15 MR. SLOANE: Yes, I do, your Honor.

16 THE COURT: Do you understand that if I accept your
17 plea you will be judged guilty of that offense?

18 MR. SLOANE: Yes, I do, your Honor.

19 THE COURT: Do you understand that by being judged
02:44 20 guilty you may lose valuable civil rights, including the right
21 to vote in many states, the right to hold public office, the
22 right to serve on a jury, and the right to possess a gun or any
23 kind of firearm or ammunition?

24 MR. SLOANE: Yes, your Honor.

25 THE COURT: Are you a United States citizen?

1 MR. SLOANE: Yes, I am, your Honor.

2 THE COURT: So I'm going to let you sit down for a
3 minute and turn to Mr. Rosen. If you could please state the
4 maximum possible penalties provided by law.

5 MR. ROSEN: Judge, this is a single-count Information
6 charging conspiracy to commit mail fraud and honest services
7 mail fraud. It provides for a maximum penalty of 20 years in
8 prison; supervised release for three years; a fine of \$250,000,
9 or twice the gross gain or loss; a mandatory special assessment
02:45 10 of \$100; restitution; and forfeiture to the extent charged in
11 the Information. And I note just that the Information does not
12 charge a specific forfeiture amount or count.

13 THE COURT: So on the forfeiture, is there any
14 allegation as to -- if I read the Information correctly, it was
15 things that have been seized already, is that correct?

16 MR. ROSEN: That is correct and, to the best of my
17 knowledge, from neither the defendants here was anything
18 seized.

19 THE COURT: Okay. Under the plea agreement, the
02:46 20 government has made certain recommendations, is that correct?

21 MR. ROSEN: We have, your Honor. For the -- for Mrs.
22 Huffman, we've agreed essentially to recommend a total offense
23 level of 9, which would be a base offense level of 7 after --
24 sorry. It would be a total offense level of 9 after
25 acceptance, to get the two points off. And then there would be

1 incarceration recommendation at the low end of the guidelines
2 range, as calculated in that recommendation, which would be a
3 plea -- would be four months imprisonment; and a fine of
4 \$20,000; 12 months of supervised release; special assessment of
5 \$100; restitution, to be determined by your Honor; and,
6 forfeiture, but, again, there's no forfeiture.

7 With respect to Mr. Sloane, the government has
8 recommended -- the parties actually agree on this. A total
9 offense level of 14, which would translate to a 15- to 21-month
02:47 10 range. And the U.S. Attorney agrees to recommend incarceration
11 for a period of 12 months and one day; a fine of \$75,000; 12
12 months of supervised release; a mandatory special assessment of
13 \$100; restitution; and forfeiture as I've described.

14 THE COURT: Okay. Back to you. Do you understand
15 that the maximum penalties that Mr. Rosen began with are
16 possible consequences of pleading guilty?

17 MS. HUFFMAN: Yes, your Honor.

18 THE COURT: And same question, Mr. Sloane. Do you
19 understand the maximum possible sentence as stated by Mr.
02:48 20 Rosen?

21 MR. SLOANE: Yes, I do.

22 THE COURT: And do you understand that the government
23 has taken a position as to what an appropriate guideline
24 sentence would be for you under the United States Sentencing
25 Guidelines? They've taken a position. Do you understand that?

1 MS. HUFFMAN: Yes, your Honor.

2 THE COURT: And, Mr. Sloane, do you understand that
3 under your agreement you've agreed to a correct sentencing
4 guideline?

5 MR. SLOANE: Yes, I do, your Honor.

6 THE COURT: And do you understand that the sentencing
7 guidelines, which have been issued by the United States
8 Sentencing Commission, are guidelines for judges to consider
9 when determining the sentence but are not mandatory. Do you
02:49 10 understand that?

11 MS. HUFFMAN: Yes, your Honor.

12 MR. SLOANE: Yes, your Honor.

13 THE COURT: And do you understand that under your plea
14 agreement the government has agreed to take a position as to
15 what they will recommend to me for sentencing? In your case,
16 Ms. Huffman, four months; and in your case -- of incarceration;
17 and in your case, Mr. Sloane, 12 months and a day of
18 incarceration. Do you understand that?

19 MS. HUFFMAN: Yes, your Honor.

02:49 20 MR. SLOANE: Yes, your Honor.

21 THE COURT: And that they've taken a position that
22 they would recommend a financial penalty of \$75,000 for Mr.
23 Sloane and \$20,000 for Ms. Huffman and 12 months of supervised
24 release and a special assessment of \$100 for each of you, do
25 you understand that?

1 MS. HUFFMAN: Yes, your Honor.

2 MR. SLOANE: Yes, I do, your Honor.

3 THE COURT: And do you understand that the government
4 will also be seeking restitution in an amount to be determined
5 by me?

6 MS. HUFFMAN: Yes, your Honor.

7 MR. SLOANE: Yes, your Honor.

8 THE COURT: And do you understand that I am not bound
9 by your agreement or your positions as to the appropriate
02:50 10 guideline and that I need to make those calculations myself?

11 MS. HUFFMAN: Yes, your Honor.

12 MR. SLOANE: Yes, I do, your Honor.

13 THE COURT: Do you understand that I will not be able
14 to calculate an appropriate guideline sentence under the
15 sentencing guidelines until there is a Presentence Report
16 prepared by Probation, which will include information about
17 you, your criminal history, the crimes you committed, and other
18 uncharged or dismissed conduct? Do you understand that?

19 MS. HUFFMAN: Yes, your Honor.

02:51 20 MR. SLOANE: Yes, your Honor.

21 THE COURT: And so do you understand I may consider
22 all of that information in determining your appropriate
23 guideline sentence?

24 MS. HUFFMAN: Yes, your Honor.

25 MR. SLOANE: Yes, your Honor.

1 THE COURT: And I need only find the facts that are in
2 the Presentence Report to a preponderance of the evidence. I
3 don't have to find things beyond a reasonable doubt to consider
4 them. Do you understand that?

5 MS. HUFFMAN: Yes, your Honor.

6 MR. SLOANE: Yes, your Honor.

7 THE COURT: And so under this guideline system, I have
8 to consider the appropriate guideline. I don't need to agree
9 -- I don't need to find the same guideline the government
02:51 10 calculated. And then beyond that, I have the authority to
11 depart from the guidelines and give you a sentence that is
12 either more or less severe than the guidelines called for; do
13 you understand that?

14 MS. HUFFMAN: Yes, your Honor.

15 MR. SLOANE: Yes, your Honor.

16 THE COURT: And do you understand then that I could
17 impose a sentence that may be more severe than you anticipate?

18 MS. HUFFMAN: Yes, your Honor.

19 MR. SLOANE: Yes, your Honor.

02:52 20 THE COURT: And it may be more severe than your
21 lawyers have suggested is likely to occur?

22 MS. HUFFMAN: Yes, your Honor.

23 MR. SLOANE: Yes, your Honor.

24 THE COURT: And do you understand that you will not be
25 permitted to withdraw your plea of guilty if your sentence is

1 different than you expected?

2 MS. HUFFMAN: Yes, your Honor.

3 MR. SLOANE: Yes, your Honor.

4 THE COURT: Okay. The next part of the plea
5 agreement, as Mr. Rosen knows, is always a part that gives me
6 some concern, but it is a provision that the government has
7 insisted on. So I need to make sure that you understand it.
8 And this is your appeal rights.

9 Normally, but for this plea agreement, you would have
02:53 10 the right to appeal a conviction or to argue in a future
11 proceeding, collateral or otherwise, that your conviction
12 should be set aside. Do you understand that would normally be
13 your rights?

14 MS. HUFFMAN: Yes, your Honor.

15 MR. SLOANE: Yes, your Honor.

16 THE COURT: And do you understand that, if not for
17 this plea agreement, you would normally have the right to
18 appeal any sentence I impose either on direct appeal or in a
19 future proceeding, collateral or otherwise? Do you understand
02:53 20 that?

21 MS. HUFFMAN: Yes, your Honor.

22 MR. SLOANE: Yes, your Honor.

23 THE COURT: And do you understand the following appeal
24 provisions that are in your agreement: first, that you will
25 not challenge your conviction on direct appeal or in any other

1 proceeding; second, that you will not challenge your sentence,
2 including any order of forfeiture, restitution, fines or
3 supervised release, on direct appeal or any other proceeding;
4 and that you are giving up both of those rights? Do you
5 understand that?

6 MS. HUFFMAN: Yes, your Honor.

7 MR. SLOANE: Yes, your Honor.

8 THE COURT: And in order to determine if this is a
9 knowing and voluntary plea, I do need to make sure I understand
02:54 10 what it is that the government has exchanged for your giving up
11 your appeal rights. It states in the agreement that there are
12 concessions. Could you please elaborate.

13 MR. ROSEN: I think for both of the charged defendants
14 here there's concession, while for Mr. Sloane it's a sentence
15 below the applicable guidelines. That's a recommendation from
16 the government, as well as an insertion (ph) into the plea
17 agreement that we will not bring any further charges which in
18 this case would be both tax charges as well as money laundering
19 charges, which would add, in the typical plea agreement,
02:55 20 approximately three levels. So it's a significant concession
21 on that one.

22 And the same applies to Ms. Huffman. She paid from
23 her account into the Key Worldwide Charitable Foundation, and
24 so it would be -- primarily money laundering would be the
25 additional charge that would not be brought, as well as we are

1 seeking a recommendation -- the government will give a
2 recommendation at the low end of the sentencing guidelines that
3 we've calculated, which in this case would be four months. So
4 there's multiple concessions for each defendant.

5 THE COURT: So do I understand that what you're saying
6 is that you're not bringing charges that could increase, I
7 think you said by three levels, but at that point in the
8 guidelines, we're perhaps talking about another year or so of
9 time? And that you're recommending, for Ms. Huffman, on the
02:56 10 low end of the guidelines, as you've calculated it, and a few
11 months less than the guideline sentence for Mr. Sloane, as
12 you've calculated it.

13 And, in return, they've given up their right to appeal
14 any sentence up to 20 years that I impose?

15 MR. ROSEN: That is correct, your Honor.

16 THE COURT: So there is a trade here. They've given
17 up something. And I will accept the appeal waiver, but I will
18 remind you that you do always, in these situations, reserve
19 your right to claim ineffective assistance of counsel or any
02:56 20 serious misconduct engaged in by the prosecutor in connection.
21 That is the one appeal right that you do still have.

22 So I think with that, that's the joint part. I am
23 going to turn now -- I'd like to start with Mr. Sloane. So,
24 Ms. Huffman, if you'll sit down.

25 Mr. Sloane, I'm going to go through the elements that

1 the government would have to prove if this case were to go
2 forward against you and ask the government then to make sure
3 you understand those elements. And then I'll ask the
4 government as to what they would be prepared to prove and make
5 sure you have no disagreement with the facts needed to support
6 this charge.

7 So in a little more detail about Count 1, the only
8 count here, which is a conspiracy to commit mail fraud and
9 honest services mail fraud, at trial, the government would need
02:58 10 to be -- would need to prove that there was an agreement that
11 -- substantially as stated in the Information, that existed
12 between at least two people to defraud the University of
13 Southern California. For the mail fraud part, it would be
14 defrauding by misrepresenting or concealing a material fact to
15 obtain money or property. For the honest services mail fraud,
16 to defraud by misrepresenting -- to defraud the University of
17 Southern California of its right to honest and faithful
18 services of its senior associate athletic director, Donna
19 Heinel. They would have to show that the mail, including
02:59 20 postal service or private or commercial interstate carrier, was
21 to be used in furtherance of the scheme; that you willfully
22 joined in the agreement, that is to say, that you entered the
23 agreement voluntarily and intelligently and with the specific
24 intent to defraud the University of Southern California; and
25 that at least one or more of the conspirators knowingly

1 committed an overt act in an effort to accomplish some purpose
2 of the conspiracy.

3 Is that a fair statement of the elements here?

4 MR. ROSEN: Yes, your Honor.

5 THE COURT: Mr. Sloane, do you understand that these
6 are the elements the government would have to prove beyond a
7 reasonable doubt in order for you to be found guilty at trial
8 as to this charge?

9 MR. SLOANE: I do, your Honor.

02:59 10 THE COURT: So with that, Mr. Rosen, if you could
11 please tell me what the government would be prepared to show to
12 support this charge.

13 MR. ROSEN: Your Honor, the evidence would show,
14 through recorded telephone calls, documents, emails, and
15 witness testimony, that the University of Southern California,
16 USC, is a highly selective private university located in Los
17 Angeles. The athletic teams of USC compete in most sports at
18 the Division I level, the highest level of intercollegiate
19 athletic sanctioned by the NCAA.

03:00 20 USC also recruits students with demonstrated athletic
21 abilities and typically apply different criteria when
22 evaluating applications from such students with the expectation
23 that recruited athletes will be contributing members of USC's
24 athletic teams once enrolled. Typically, the Admissions
25 offices at USC allot a set number of admission slots to each

1 head coach of a varsity spot for that coach's recruited
2 athletes. At USC, students recruited for those athletic slots
3 have substantially higher admissions prospects than
4 non-recruited students with similar grades and standardized
5 test scores. At USC, admissions slots, the determination of
6 which students to admit, and the resulting composition of
7 undergraduate classes are important assets of USC.

8 At all times relevant to this case, Donna Heinel was a
9 senior athletics administrator at USC. She was the Admissions
03:01 10 liaison between the USC athletic coaches and the university
11 Admissions office. Her job was to guide legitimate student
12 athletes through the university admissions process. Coaches
13 would provide Heinel with lists of their recruited athletes,
14 and Heinel would bring the athletic profiles and admissions
15 packets of the athletes to the university Admissions Committee
16 where she would then present them for review to the Committee.
17 Heinel was not a coach. She had no power to recruit athletes.
18 She was simply supposed to act as a liaison, a point person
19 between the coaches and university Admissions. Instead of
03:02 20 doing her job, Heinel accepted money, both for herself and
21 university accounts that she controlled to her benefit, to
22 designate non-recruited athletes as recruited athletes.

23 THE COURT: Wait. You just said -- you said something
24 there a little quickly. Hold on a minute.

25 MR. ROSEN: Sure.

1 THE COURT: You said she received the money for
2 herself or she received the money -- or USC received the money?

3 MR. ROSEN: She received the money for herself as well
4 as university accounts that she controlled for her benefit,
5 accounts that would allow her to effectively exercise power
6 over the distribution of funds and increase her employment and
7 profile within the athletic department.

8 THE COURT: Okay. Just so I'm clear, there were some
9 checks that went directly to her or only to USC?

03:02 10 MR. ROSEN: There were checks that went to accounts
11 that she controlled within USC. So it wasn't checks directed
12 to the general treasury within USC. There were checks
13 typically directed to the USC Women's Athletic Fund.

14 THE COURT: But that would be a corporate account of
15 USC or her individual account?

16 MR. ROSEN: It would be a corporate account, but she
17 controlled the account, and she doled out the funds, and her
18 fund-raising benefitted her and her employment. Then she also
19 received -- there was an agreement for \$400,000, and she
03:03 20 received that in \$20,000 increments beginning in 2018. She was
21 arrested prior to receiving the full \$400,000.

22 THE COURT: But \$400,000 from this defendant?

23 MR. ROSEN: Not from this defendant, no.

24 THE COURT: Did --

25 MR. ROSEN: This is sort of a -- she was on -- it was

1 sort of a bribery retainer, your Honor. She would --

2 THE COURT: Wait, wait. This isn't the case against
3 Ms. Heinel right now. I'm just trying to figure out the
4 evidence against -- as to this defendant here.

5 MR. ROSEN: Right.

6 THE COURT: So he wrote checks. You would be putting
7 on his case; you would have checks that he wrote. Did he write
8 checks or have Ms. Heinel on a retainer?

9 MR. ROSEN: He wrote two checks.

03:04 10 THE COURT: Okay.

11 MR. ROSEN: One to the USC Women's Athletic Program.

12 THE COURT: Okay. So that went to the corporate
13 account.

14 MR. ROSEN: It went to a corporate account that she
15 controlled, and that's very important, your Honor.

16 THE COURT: Okay. But there's two parts of the
17 sentence there. I'm just trying to make sure. It's a
18 corporate account that it went to, not to her individually?
19 And then you can say -- and then let's see what happens with
03:04 20 that corporate account.

21 Presumably, for example, if she's terminated and
22 there's still a million dollars in that account, it's a
23 corporate account; USC still has the money, right? She --

24 MR. ROSEN: They've distributed it, I believe, to --

25 THE COURT: Am I wrong?

1 MR. ROSEN: -- now another charity. It's tainted
2 funds, your Honor. So they have not kept control over that
3 money.

4 THE COURT: Okay. But she didn't walk away with it.
5 I'm just trying to figure out -- so he wrote a check to USC.

6 MR. ROSEN: Yes, to the USC Women's Athletic Program.
7 It wasn't the general funds check. It was an account that she
8 controlled, and that's important to this scheme.

9 THE COURT: I understand that. But it's also -- I
03:05 10 just -- I just want to be very precise here. If you went to
11 the bank and there was a taxpayer ID number at the bank, which
12 every bank account has, the taxpayer ID number is one assigned
13 to USC, not to Ms. Heinel, is that correct?

14 MR. ROSEN: Correct.

15 THE COURT: Now, something happens afterward with
16 regard to what Ms. Heinel does with the money or doesn't do
17 with the money. Are you charging that he has knowledge of what
18 happens with that money after it hits the corporate account, or
19 are you simply saying he sent the money there as to that --
03:05 20 where he was told to send it?

21 MR. ROSEN: Your Honor, he sent two checks: one for
22 \$50,000 to the USC Women's Athletic Program; and the second for
23 \$200,000 to Singer's Key Worldwide Foundation. And I was -- as
24 I was sort of saying, in exchange for these payments, defendant
25 understood that Heinel would falsely and fraudulently designate

1 the defendant's son as a recruit to the USC women's -- men's
2 water polo team thereby facilitating his admission to USC. The
3 government is not aware of any direct connection between the
4 defendant and Heinel. It was all through Rick Singer.

5 Defendant undertook numerous acts in furtherance of
6 the corrupt scheme. As examples, on or about June 5th, June
7 16th of 2017, defendant purchased water polo gear, including a
8 ball and a cap, from Amazon. The defendant took pictures of
9 his son in his pool to make it appear that he was a legitimate
03:06 10 player.

11 This part of the scheme was memorialized over email.
12 As just an example, on or about June 26 of 2017, defendant
13 received an email from a graphic designer bearing the subject
14 line "water polo," June 26, 2017. The designer wrote, "We
15 researched a few water polo athlete images, and the majority
16 are cropped against a background so they can use them in
17 promotional materials, and it takes out undesirable elements
18 from the crowd. We were able to adjust the color and complete
19 a clean extraction to mimic this look." Defendant responded,
03:07 20 "Okay. But any chance to put him in the setting that looks
21 like an outdoor pool?" The graphic designer replied, "We
22 looked for a few shots yesterday but could not find one that
23 was a solid fit. We're looking within iPhoto stock for the
24 pool BG scene. We'll keep looking and have a few final samples
25 today."

1 Defendant then took the photos he had purchased. On
2 June 27, 2017, the defendant emailed Singer a photograph of his
3 son purporting to play water polo, with his right arm and upper
4 torso exposed above the water line. In the email defendant
5 asks, "Does this work?" Singer responded, "Yes, but a little
6 high out of the water. No one gets that high." The next day,
7 defendant sent Singer a photograph in which his son appeared to
8 be lower in the water, with his torso and arm now mostly
9 submerged. Defendant wrote, "Hope this works." Singer
03:08 10 replied, "Perfect." In both photographs, defendant's son
11 appears to be using the items defendant purchased from Amazon a
12 few weeks earlier.

13 Singer then sent the photographs to his
14 co-conspirator, Laura Janke, so that she could create a fake
15 water polo profile. Janke responded back that she needs the
16 pertinent information to get started. Singer emailed Sloane to
17 request biographical details to the profile. Singer indicated
18 that the profile for USC would falsely represent Sloane's son
19 as a perimeter player who played for the Italian junior
03:08 20 national team and the LA water polo team. The following day
21 Sloane replied with the personal information for the profile.

22 Heinel presented Sloane's son to the USC Subcommittee
23 for athletic admission in or about November 2017 as a water
24 polo player. On or about November 16, 2017, Heinel emailed
25 Singer a conditional acceptance letter for Sloane's son

1 indicating that his admission was premised upon records that
2 indicate that he had the potential to make a significant
3 contribution to the intercollegiate athletic program.

4 Singer sent the letter to Sloane. Less than two weeks
5 later, Singer emailed Sloane directing him to send \$50,000 to
6 USC Women's Athletes, care of Donna Heinel, at 3501 Wyatt Way
7 in Los Angeles. Singer further told Sloane that the rest of
8 the 200K would pay to our foundation a 501(3) (c) [sic] after
9 your son receives his final letter in March. That same day
03:09 10 Sloane sent Heinel, by Federal Express, a \$50,000 check payable
11 to USC Women's Athletics.

12 On or about January 29, 2018, one of Singer's
13 employees emailed Sloane an invoice from the Key Worldwide
14 Foundation charity in the amount of \$200,000 and wrote, "Thank
15 you for your generous donation." Sloane forwarded the email to
16 Singer and asked, "Hi, I believe you mentioned this would be
17 due after we received the official letter from USC in March.
18 Is that correct or did something change?" Singer responded,
19 "We are getting everyone ready. I am trying to get money in so
03:10 20 there's no delay as SC," meaning USC, "will call the markers in
21 very soon thereafter."

22 On or about March 22, 2018, USC mailed Sloane's son a
23 formal acceptance letter, and two weeks later, on April 11,
24 2018, Sloane wired \$200,000 to Singer's charity.

25 THE COURT: Thank you. Mr. Sloane, did you understand

1 the facts recited by the assistant U.S. attorney?

2 MR. SLOANE: Yes, I did, your Honor.

3 THE COURT: There were some parts that you may or may
4 not have had direct knowledge, and there are some parts there
5 that you have direct knowledge of. I want to focus first on
6 the parts that you have knowledge of.

7 Do you have any dispute as to the content of your
8 correspondence with Mr. Singer?

9 MR. SLOANE: I don't dispute the contents of the
03:11 10 communication.

11 THE COURT: And do you have any dispute as to your
12 purchasing the swim cap or other water-polo-related items?

13 MR. SLOANE: No, I don't dispute that.

14 THE COURT: And do you have any dispute about relaying
15 the personal facts for the profile for the application?

16 MR. SLOANE: I don't believe I responded with any
17 actual biographical information. I recall receiving an email
18 from Singer saying that he needed the information. I would
19 have to check the record to see if I actually had responded to
03:11 20 that email. It's possible. If I did respond, I would have
21 just gave name, age, address, date of birth, that type of
22 thing. I didn't write anything about water polo in my response
23 if I had written a response.

24 THE COURT: Okay. And then with regard to the
25 payments, any dispute that you sent payment to Mr. Singer's Key

1 -- I'm not going to have the name on the tip of my tongue.

2 MR. ROSEN: Worldwide Foundation.

3 THE COURT: The Worldwide Foundation -- that you sent
4 -- or you sent a wire of the amount that was specified both to
5 Mr. Singer's entity and also to the USC account, care of Ms.
6 Heinel?

7 MR. SLOANE: Yes. I sent a check to USC's Women's
8 Athletic. At the time I was just told to address it to that
9 person's name who I had never heard of before. And, yes, I did
03:12 10 send a wire to Rick Singer's 501(c)(3) foundation.

11 THE COURT: Okay. Then are you guilty of the counts
12 -- count charged here?

13 MR. SLOANE: Yes, your Honor.

14 THE COURT: And, Counsel, is there any reason the
15 Court should not take a change of plea?

16 MR. HOCHMAN: No reason, your Honor.

17 THE COURT: Why don't you take the plea itself. So
18 with that, would the clerk please take the plea.

19 THE CLERK: Devin Sloane, do you waive a full reading
03:13 20 of the Information? Yes or no.

21 MR. SLOANE: Yes, I do.

22 THE COURT: United States Attorney charges you with an
23 Information, Count 1, conspiracy to commit mail fraud and
24 honest services mail fraud, all in violation of Title 18 United
25 States Code Section 1349. How do you plead to Count 1, guilty

1 or not guilty?

2 MR. SLOANE: Guilty.

3 THE CLERK: Thank you.

4 THE COURT: The Court finds the defendant, Devin
5 Sloane, is fully competent and capable of entering an informed
6 plea, that he is aware of the nature of the charges and the
7 consequences of the plea, and that the plea of guilty is a
8 knowing and voluntary plea, supported by an independent basis
9 in fact, containing each of the essential elements of the
03:14 10 offense charged. The plea is accepted, and the defendant is
11 now judged guilty of this offense.

12 And you may sit down for now.

13 Ms. Huffman, your turn. Count 1 charges you also with
14 conspiracy to commit mail fraud and honest services mail fraud,
15 in violation of 18 U.S.C. Section 1349. At trial, the
16 government would have to prove that there was an agreement
17 substantially as stated in the Information that existed between
18 at least two people to defraud the College Board; the mail
19 fraud part, to defraud by misrepresenting or concealing a
03:15 20 material fact to obtain money or property; for the honest
21 services mail fraud, to defraud by misrepresenting or
22 concealing a material fact the College Board of its right to
23 the honest and faithful services of its examination
24 administrator, Igor Dvorskiy, and an examination proctor, Mark
25 Riddell. Mail, including postal service or any private or

1 commercial interstate carrier, was to be used in furtherance of
2 the scheme to defraud; that you willfully joined in that
3 agreement, that is to say, you entered the agreement
4 voluntarily and intelligently with the specific intent to
5 defraud the College Board; and that at least one or more of the
6 conspirators knowingly committed an overt act in an effort to
7 accomplish some purpose of the conspiracy.

8 Do you understand that these are the elements the
9 government would have to prove beyond a reasonable doubt in
03:16 10 order for you to be found guilty at trial as to this charge?

11 MS. HUFFMAN: Yes, I do, your Honor.

12 THE COURT: And, Mr. Rosen, if you could please state
13 the factual basis for the plea, that is, what the government
14 would be prepared to prove if the case were to go to trial.

15 MR. ROSEN: Your Honor, the evidence would show,
16 through recorded telephone calls, in-person recorded meetings,
17 documents, emails, and witness testimony, that the College
18 Board is a nonprofit organization headquartered in New York.
19 Together, with Educational Testing Services, ETS, the College
03:16 20 Board develops and administers the SAT, a standardized test
21 used as part of the college admissions process.

22 The SAT is now scored on a scale of 400 to 1600, with
23 1600 being a perfect score. A score of 1400 or above is in the
24 top 6 percent. The SAT exams are sent to and from testing
25 sites via common interstate carriers, such as Federal Express

1 or UPS.

2 The College Board and ETS used paid test
3 administrators to administer the exams, and these test
4 administrators owe fiduciary duties to the College Board and
5 ETS as part of the test administration process. Prior to
6 administering the SAT exam, test administrators must typically
7 certify they will administer the test in accordance with the
8 SAT coordinator's manual; that the SAT is the property of the
9 College Board; and that no one other than the student can open
03:17 10 the test book and see the test content. The SAT exams and the
11 scores students earn on these exams are the physical property
12 of the College Board.

13 Defendant, Felicity Huffman, is a resident of Los
14 Angeles, California. Huffman conspired with Rick Singer, Mark
15 Riddell, Igor Dvorskiy -- and that's D-v-o-r-s-k-i-y -- and
16 others to commit mail fraud and honest services mail fraud
17 through her participation in a scheme to cheat on the SAT in
18 order to obtain an artificially high score for her daughter
19 that would later be used as part of your daughter's college
03:18 20 applications.

21 Huffman's participation in the scheme worked as
22 follows: In the summer of 2017, Singer told Huffman that he
23 controlled a testing center by means of a corrupt test
24 administrator, Igor Dvorskiy, and that he could arrange for a
25 third party, Mark Riddell, to purport to proctor her daughter's

1 SAT exam and secretly correct her answers afterward. Huffman
2 agreed to the plan.

3 The SAT exam is traditionally given over one day.
4 Singer's scheme required that participating families obtained
5 100 percent extra time on the SAT exam so that the exam could
6 be administered over multiple days. If the exam was
7 administered over multiple days, the students could switch the
8 exam location and take the exam at what they call a
9 school-based test center, such as Dvorskiy's West Hollywood
03:19 10 College Prep in West Hollywood, California.

11 Typically, 100 percent extra time was obtained by
12 first engaging the services of a psychologist who would
13 document a child's learning disabilities or purported learning
14 disabilities, then this documentation would be submitted to the
15 College Board for evaluation. If the College Board agreed with
16 the diagnosis, extra time would be granted.

17 Here, in October of 2017, Huffman's daughter received
18 a letter advising her that she had been approved for 100
19 percent extra time. Huffman forwarded the letter to Singer.
03:19 20 Huffman's daughter's high school in Los Angeles had made plans
21 to administer the SAT themselves on December 4th and 5th, 2017.
22 Huffman agreed with Singer to switch the testing site from
23 Huffman's daughter's high school to Singer's test center, which
24 he controlled through making bribe payments to Dvorskiy.
25 Huffman wrote in an email to Singer, "Ruh ro. Looks like my

1 daughter's high school wants to provide own proctor." Singer
2 responded, "We will speak about it."

3 Singer then worked with Dvorskiy over the next month
4 to complete the paperwork to move Huffman's daughter's exam to
5 West Hollywood College Prep in preparation for the December 2,
6 2017, SAT. On or about December 1st of 2017, Mark Riddell, who
7 has pled guilty before Judge Gorton, flew from Tampa to Los
8 Angeles. Riddell was the purported proctor who agreed, in
9 exchange for \$10,000, to correct students' answers after the
03:20 10 exam in order to achieve a higher score.

11 On or about December 2, 2017, Riddell purported to
12 proctor Huffman's daughter's SAT exam at West Hollywood.
13 Riddell corrected the exam's answers after Huffman's daughter
14 completed the exam and left the building. The next day Riddell
15 returned to Tampa. Huffman's daughter received a score of 1420
16 on the SAT, which was obtained through the cheating scheme
17 described above.

18 On December 19th of 2017, Singer, through his fake
19 charity, the Key Worldwide Foundation, paid Dvorskiy \$40,000
03:21 20 for administering the SAT exam to Huffman's daughter and three
21 other students.

22 On December 27, 2017, the Key Worldwide Foundation
23 paid Riddell \$35,000 for helping to cheat on the exam of
24 Huffman's daughter and exams for several other clients of
25 Singer.

1 On or about February 27th of 2018 --

2 THE COURT: Can I just interrupt you there for a
3 minute on these total dollar amounts?

4 MR. ROSEN: Correct.

5 THE COURT: Am I understanding that the numbers you're
6 giving me are combined for Ms. Huffman's daughter and several
7 other individuals?

8 MR. ROSEN: Yes. In December of 2017, Mark Riddell
9 took -- you know, corrected the exam answers for multiple other
03:22 10 students, and Singer paid him a lump sum. So it's not possible
11 to just say that the money was just for Ms. Huffman's daughter.

12 THE COURT: Okay. But what we do know is that the
13 amounts that Ms. Huffman paid is less than the amounts you were
14 just saying here, correct?

15 MR. ROSEN: That is correct, your Honor, absolutely.

16 THE COURT: How much is the amount that you contend
17 that Ms. Huffman paid?

18 MR. ROSEN: Well, we know that she paid, on February
19 27 of 2018, a purported contribution of \$15,000 to the Key
03:22 20 Worldwide Foundation. On or about March 21 of 2018, about
21 three weeks later, Steve Masera, who is Singer's bookkeeper,
22 sent a letter afterwards thanking her for the purported
23 donation and falsely stating, "It will allow us to move forward
24 with our plans to provide educational and self-enrichment
25 programs to disadvantaged youth." The letter also falsely

1 stated that "no goods or services were exchanged for the
2 \$15,000."

3 THE COURT: Do I -- so when you calculate the
4 guidelines as being a gain or loss that's more than 15,000, is
5 there other evidence besides the 15,000 payment that you're
6 using in that calculation?

7 MR. ROSEN: Yes, there is, your Honor. What I would
8 consider to be a minor dispute amongst the parties is the
9 amount that was at first agreed upon between Singer and
03:24 10 Huffman. I think Mr. Singer would state that the amount was
11 \$25,000, which is generally in line with what other people paid
12 for the exam. I think Ms. Huffman -- I don't want to speak out
13 of turn for her -- I believe thought the amount was \$10,000,
14 and, ultimately, they arrived at a \$15,000 amount. But any
15 dispute --

16 THE COURT: Wait, wait. When you say, "Ultimately,
17 they arrived at 15,000," they being Ms. Huffman and Mr. Singer
18 or they being your investigators?

19 MR. ROSEN: They being Ms. Huffman and Mr. Singer.
03:24 20 That's -- the evidence for that, obviously, is the check that
21 was sent from Ms. Huffman to Mr. Singer.

22 THE COURT: With regard to the evidence you have -- if
23 I understand, if this were to go to trial, the evidence you
24 have is that you have a witness who would say that there was an
25 agreement for a larger amount of money but that, ultimately,

1 the amount that was -- the agreement was reached on was the
2 15,000?

3 MR. ROSEN: I would say that there was -- I think he
4 would say -- and, again, I think it's early to discuss the
5 sentencing aspect. But he would say that the amount originally
6 that he had told them -- he had told Ms. Huffman was \$25,000,
7 which is in line with what other parents would pay.

8 THE COURT: I understood that. But at the end of the
9 day, even that was the original sale price, the contractual
03:25 10 sale price at the end of the day you would be proving would be
11 15,000, is that --

12 MR. ROSEN: I think he would say he took \$15,000.
13 But, of course, the mail fraud, it's the -- it punishes the
14 scheme and not the end result. So I think our position would
15 be that it's the original \$25,000 that drives the loss amount.
16 I'm sure Mr. Murphy will make a different --

17 THE COURT: As you said, we're not discussing the
18 sentencing. I'm just trying to get the facts. The facts that
19 we have here that you would be prepared to prove is that there
03:26 20 was an agreement and that the agreement was, putting your
21 evidence in, would be a witness saying it was an agreement for
22 a larger amount but that the amount that was finally agreed
23 upon was the 15,000; is that fair?

24 MR. ROSEN: I would say the amount that was finally
25 paid was the 15,000, your Honor, yes.

1 THE COURT: Okay. I may have interrupted you. Was
2 there anything further?

3 MR. ROSEN: No. I'm done, your Honor.

4 THE COURT: Okay. Ms. Huffman, did you understand the
5 facts recited by the assistant U.S. attorney?

6 MS. HUFFMAN: Yes, your Honor.

7 THE COURT: Do you have information, other than what
8 the -- accepting the government's facts, but do you have any
9 independent information as to the total bundled amount that Mr.
03:27 10 Riddell received for taking the test?

11 MS. HUFFMAN: Me? No, no, your Honor.

12 THE COURT: I'm just going to ask you about your part
13 of the payment.

14 MS. HUFFMAN: Okay.

15 THE COURT: With regard to that, do you have any
16 dispute that you reached an agreement and ultimately paid Mr.
17 Singer \$15,000 to enable Mr. Riddell to change your daughter's
18 -- or correct your daughter's test, SAT test?

19 MS. HUFFMAN: No, your Honor.

03:28 20 THE COURT: And do you have any dispute as to the
21 content of the emails that went back and forth or your
22 communications with Mr. Singer?

23 MS. HUFFMAN: No, your Honor.

24 THE COURT: And with regard to the extra time that was
25 obtained, would the government be prepared to prove that the

1 extra time was inappropriately awarded or simply that it was
2 extra time that enabled it to happen?

3 MR. ROSEN: Not in this case. We wouldn't say it was
4 inappropriately awarded, your Honor. There were other cases
5 where it was, and we would -- it's not directly -- I don't want
6 to say it's not relevant. It is relevant to the case. But the
7 crime as charged here is the SAT/ACT cheating scheme.

8 THE COURT: So you're not making -- as part of what
9 you're claiming here, you're not claiming that Ms. Huffman
03:29 10 improperly obtained additional time for her daughter. It's
11 what happened during the additional time.

12 MR. ROSEN: I put that in simply to show your Honor
13 how the scheme was to operate, both for this case and the other
14 cases that are coming on, just why they needed those two days
15 of testing as opposed to simply the single-day testing where
16 they would have to take it at what they call a national test
17 center, which is a -- when you take it in a room either -- you
18 know, with many other people, that type of thing.

19 THE COURT: Okay. So the facts here that I'm
03:29 20 interested in are specifically the -- making the payment so
21 that Mr. Riddell could correct the test. You have no
22 disagreement with those facts, is that correct?

23 MS. HUFFMAN: I would like to clarify two points if
24 that's all right.

25 THE COURT: Certainly.

1 MS. HUFFMAN: My daughter has been -- or we have been
2 working with a neuropsychologist since my daughter was eight
3 years old, and she began receiving extra time on tests since
4 she was 11.

5 THE COURT: I think that's what just was clarified
6 here. Maybe that wasn't clear. But I was trying to understand
7 because part of that extra time was being included in the
8 story. And I think Mr. Rosen confirmed that they're not
9 accusing of wrongdoing with regarding the extra time.

03:30 10 MS. HUFFMAN: I just didn't want the -- sorry, your
11 Honor.

12 THE COURT: Go on.

13 MS. HUFFMAN: I just didn't want to create the
14 impression that the neuropsychologist had any part in this
15 because she, like my daughter, didn't know about my involvement
16 with Mr. Singer.

17 THE COURT: Okay. I appreciate that.

18 You said there was two clarifications. Is there --

19 MS. HUFFMAN: I think -- sorry, sorry.

03:30 20 I think you covered it. It was that I don't -- I had
21 no knowledge of money that Mr. Singer paid Mr. Riddell or Mr.
22 Dvorskiy. I just had no knowledge of it. But everything else
23 that Mr. Rosen said I did, I did.

24 THE COURT: Okay. Thank you.

25 With that, are you, in fact, guilty of the count

1 charged?

2 MS. HUFFMAN: Yes, I am, your Honor.

3 THE COURT: And to counsel, is there any reason the
4 Court should not take the change of plea?

5 MR. MURPHY: No, your Honor.

6 THE COURT: So with that, if the clerk can take the
7 plea, please.

8 THE CLERK: Felicity Huffman, do you waive a full
9 reading of the Information? Yes or no.

03:31 10 MS. HUFFMAN: Yes.

11 THE CLERK: The U.S. Attorney charges you with an
12 Information, Count 1, conspiracy to commit mail fraud and
13 honest services mail fraud, all in violation of Title 18 United
14 States Code Section 1349. How do you plead to Count 1, guilty
15 or not guilty?

16 MS. HUFFMAN: Guilty.

17 THE CLERK: Thank you.

18 THE COURT: The Court finds the defendant is fully
19 competent and capable of entering an informed plea, that she is
03:32 20 aware of the nature of the charges and the consequences of the
21 plea and that the plea of guilty is a knowing and voluntary
22 plea, supported by an independent basis in fact, containing
23 each of the essential elements of the offense charged. The
24 plea is, therefore, accepted, and the defendant is now judged
25 guilty of the offense. You may sit down.

1 So some of this I touched on earlier, but I'll just go
2 through one -- the last part of this, which is the presentence
3 investigation and report. A written report will be prepared by
4 the Probation Office to assist me in determining your sentence.
5 You will be asked -- you may already have met with the
6 probation officer to give information for the report. Your
7 attorney may be present if you wish.

8 It's very important that the report is accurate. It
9 will not only affect what sentence you receive, but it also
03:33 10 affects what happens to you after you're sentenced. For
11 example, if you're sent to prison, it will affect where you're
12 sent, what happens to you there. So even minor mistakes should
13 be corrected. You'll have a chance to read the report, as will
14 your counsel, and to file objections to it before the time of
15 sentencing.

16 It has been my practice, consistent with the Rules of
17 Criminal Procedure, to meet with the probation officer and
18 receive from them a specific sentencing recommendation that
19 would not be based on any facts that are not in the Presentence
03:33 20 Report. If I do that, I do not disclose that to either side.
21 However, I will not have that ex parte conversation if either
22 side objects. So if you do have any objection to my meeting
23 with the probation officer regarding a recommended sentence,
24 you should let my courtroom deputy know no later than the date
25 your objections to the Presentence Report are due.

1 At sentencing, you and your counsel will have the
2 opportunity to speak on your behalf at the time of sentencing.

3 I would just say, I do my plea colloquy a little
4 differently, I think, than some of my colleagues. I don't find
5 it the appropriate time to really delve into people's thinking
6 and justifications and explanations and intentions. I think
7 those are things that there's a lot of time to ponder between
8 now and sentencing. But it is certainly something that I am
9 more interested in hearing about as you wish or your counsel
03:35 10 wish at the time of sentencing.

11 So with that, I refer you to the Probation Office for
12 the Presentence Report. Have you had a chance to meet already,
13 or you've set up times?

14 THE PROBATION OFFICER: Yes. I spoke with both
15 counsel and we've arranged times.

16 THE COURT: Thank you.

17 Do we have dates for sentencing? So sentencing for
18 Ms. Huffman, September 13 at 2:30; and Mr. Sloane, September
19 10th at 2:30.

03:35 20 And under my scheduling order, sentencing memorandum
21 should be filed a week before. If you're unable to do so at
22 that time, you need to let the clerk know.

23 Any objections to maintaining the current conditions
24 of release?

25 MR. ROSEN: No objection, your Honor.

1 THE COURT: So I just remind you you're under the same
2 conditions as before, and any -- if -- on release, if you
3 commit a felony, federal felony, it's punishable by a
4 additional prison term; federal misdemeanor, also prison term
5 consecutive to any other sentence you receive. And if you
6 knowingly fail to appear, you may be prosecuted for that.

7 So do we have a signed -- I'm going to let you deal
8 with whatever paperwork needs to be done.

9 I think that's it. Is there anything else?

03:36 10 MR. MURPHY: No, your Honor.

11 MR. ROSEN: No, your Honor.

12 MR. HOCHMAN: No, your Honor.

13 THE COURT: See everyone in September.

14 ALL: Thank you, your Honor.

15 THE CLERK: Court is in recess. All rise.

16 (Whereupon, at 3:36 p.m. the hearing concluded.)

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1 C E R T I F I C A T E

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4 I certify that the foregoing is a correct transcript
5 of the record of proceedings in the above-entitled matter to
6 the best of my skill and ability.

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12 /s/Cheryl Dahlstrom

13 Cheryl Dahlstrom, RMR, CRR

14 Official Court Reporter

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16 Dated: May 15, 2019

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